

EXHIBIT 1

INTRODUCTION

Respondent Daniel Sanchez was a Commissioner on the Community Health Commission (the “CHC”) for the City of Berkeley (the “City”). As a CHC Commissioner, Respondent was a designated employee of the City as defined in Section 82019, subdivision (c) of the Political Reform Act (the “Act”),¹ and in the City’s conflict of interest code.

As required by the City’s conflict of interest code, each designated official of the City is required to file an annual statement of economic interests by April 1st of each year that the official remains in office (unless April 1st falls on a Saturday, Sunday, or official holiday, in which case the filing deadline is extended to the next regular business day).² On the statement of economic interests, the designated official must disclose his or her reportable economic interests held during the preceding calendar year.

In this matter, Respondent failed to file a 2001 annual statement of economic interests by the April 2, 2002 due date.

The Enforcement Division handled this case on an expedited basis under the SEI Expedited Procedures adopted by the Commission in July of 1999.

For the purposes of this Stipulation, Respondent’s violation of the Act is stated as follows:

As a designated employee of the City of Berkeley, Daniel Sanchez failed to file a 2001 annual statement of economic interests by April 2, 2002, in violation of Section 87300 of the Government Code.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, Section 87300 requires every agency to adopt and promulgate a conflict of interest code. The agency’s conflict of interest code must specifically designate the employees of the agency who are required to file statements of economic interests, disclosing their reportable

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Regulation 18116.

investments, business positions, interests in real property, and other sources of income. Under Section 82019, subdivision (c), and Section 87302, subdivision (a), the individuals who are to be designated in an agency's conflict of interest code are the officers, employees, members, and consultants of the agency, whose position with the agency entails making, or participating in making, governmental decisions that may have a reasonably foreseeable material effect on one or more of the individual's economic interests.

Under Section 87302, subdivision (b), each designated employee must be required to annually file a statement of economic interests for each year that the employee remains in office, at a time specified in the agency's conflict of interest code, disclosing his or her reportable investments, business positions, interests in real property and sources of income for the preceding calendar year.

Under Section 87300, the requirements of an agency's conflict of interest code have the force of law, and any violation of those requirements is deemed a violation of the Act.

SUMMARY OF THE FACTS

Respondent was a Commissioner of the Community Health Commission for the City of Berkeley. As a CHC Commissioner, Respondent was a designated employee of the City, and was therefore required to file an annual statement of economic interests for the year 2001 by April 2, 2002.

On January 22, 2002, Sherry Kelly, City Clerk for the City of Berkeley sent a letter to Respondent, advising him off his obligation to file a 2001 annual statement of economic interests by April 2, 2002. On February 21, 2002, Ms. Kelly sent a second letter to Respondent reminding him that he must file a 2001 annual statement of economic interests by April 2, 2002. In spite of these reminders, Respondent failed to file a 2001 annual statement of economic interests by the April 2, 2002 due date, in violation of Section 87300.

On April 10, 2002, Ms. Kelly sent a third letter to Respondent, advising him that his 2001 annual statement of economic interests, that was due on April 2, 2002, had not been received, and asked Respondent to file the statement immediately. Respondent was also advised that the matter of his non-filing would be referred to the Fair Political Practices Commission (the "FPPC") if he did not file a 2001 annual statement of economic interests by May 10, 2002. When the statement was not filed in response to these attempts to gain compliance, Ms. Kelly referred the matter of Respondent's failure to file to the FPPC.

On June 10, 2002, SEI Coordinator Mary Ann Kvasager of the Enforcement Division sent an e-mail message to Respondent, advising him that his 2001 annual statement of economic interests was past due, and must be filed immediately. On June 10, 2002, Ms. Kvasager received an e-mail message from Respondent stating that he would complete and file a 2001 annual statement of economic interests immediately.

On June 11, 2002, Respondent filed a 2001 annual statement of economic interests two months after the April 2, 2002 due date.

CONCLUSION

This matter consists of one count of violating Section 87300, which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000). However, under the SEI Expedited Procedures adopted by the Commission in July 1999, the approved administrative penalty for an individual who files a delinquent statement of economic interests the day after being contacted by the Enforcement Division SEI Coordinator is between Two Hundred and Three Hundred Dollars (\$200-\$300).

The facts of this case, particularly the fact that Respondent filed his delinquent statement within 30 days of being contacted by the Enforcement Division SEI Coordinator, justifies imposition of the agreed upon penalty of Two Hundred Dollars (\$200).